

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE AIR CRASH OVER THE MID-  
ATLANTIC ON JUNE 1, 2009

No. MDL 10-2144 CRB

**PRACTICE AND PROCEDURE  
ORDER UPON TRANSFER  
PURSUANT TO 28 U.S.C. § 1407(a)**

This order relates to:

ALL ACTIONS

1. This order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to their order of April 14, 2010, as well as all related actions originally filed in this court or transferred or removed to this court. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph 1 of this order are consolidated/related for pretrial purposes.

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1 3. A signed original of any pleading or paper shall be e-filed; no copies will be necessary. All  
2 papers filed in these actions shall bear the identification "MDL Docket No. 10-2144", and  
3 when such paper relates to all these actions, the MDL docket number shall be followed only  
4 by the notation "ALL CASES." If such paper does not relate to all of these actions the  
5 individual docket numbers assigned by the Clerk of this Court of those actions to which the  
6 paper relates shall also be listed. If such paper relates to five or fewer actions the abbreviated  
7 caption of each of the actions may be listed opposite its number.

8  
9 4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this  
10 Court and not with the transferor district court.

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12 5. Counsel who appeared in the transferor district court prior to the transfer need not enter a  
13 separate appearance before this Court.

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15 6. Prior to the first pretrial conference service of all papers shall be made on each of the  
16 attorneys. Any attorney who wishes to have his name added to or deleted from the service list  
17 may do so upon request to the Clerk of this Court with notice to all other persons on such  
18 service list. Service shall be deemed sufficient if made upon all attorneys.

19  
20 The parties shall present to the Court at the first pretrial conference a list of attorneys for  
21 purposes of service. Only one attorney or each party separately represented shall be included  
22 on such list.

23  
24 7. Prior to the first pretrial conference, counsel for each group of parties whose interests are  
25 similarly aligned shall designate liaison counsel, subject to the approval of the Court. Liaison  
26 counsel shall be authorized to receive orders and notices from the Court on behalf of all  
27 parties within their liaison group and shall be responsible for the preparation and transmittal  
28 of copies of such orders and notices to the parties in their liaison group. Liaison counsel shall

1 be required to maintain complete files with copies of all documents served upon them and  
2 shall make such files available to parties within their liaison group upon request. Liaison  
3 counsel are also authorized to receive orders and notices from the Judicial Panel on  
4 Multidistrict Litigation pursuant to Rule 8(e) of the Panel's Rules of Procedure on behalf of  
5 all parties within their liaison group and shall be responsible for the preparation and  
6 transmittal of copies of such orders and notices to the parties in their liaison group.

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8 8. Upon remand of any of these actions the parties will be required to provide to this Court  
9 copies of any necessary and relevant papers previously filed.

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11 9. No parties to any of these actions shall be required to obtain local counsel in this district  
12 and the requirements of Civil Local Rule 11 of the Rules of this Court are waived as to any  
13 attorney appearing in these actions who is duly admitted to practice before any United States  
14 Court.

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16 10. Hearings shall not be held on any motions filed except by order of Court upon such  
17 notice as the Court may direct.

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19 11. Any paper filed in any of these actions which is substantially identical to any other paper  
20 filed in another of these actions shall be sufficient if it incorporates by reference the paper to  
21 which it is substantially identical. Where counsel for more than one party plan to file  
22 substantially identical papers they shall join in the submission of such papers and shall file  
23 only one paper on behalf of all so joined.

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25 12. Any orders including protective orders previously entered by this Court or any transferor  
26 district court shall remain in full force and effect unless modified by this Court upon  
27 application.

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1 13. All discovery proceedings in these actions are stayed until further order of this Court and  
2 the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37,  
3 Federal Rules of Civil Procedure, are tolled until the first pretrial conference at which time  
4 discovery schedule will be established.

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6 14. The Court will be guided by the Manual for Complex Litigation, Second approved by the  
7 Judicial Conference of the United States and counsel are directed to familiarize themselves  
8 with that publication.

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10 15. All other matters will be discussed at the initial pretrial conference to be held on May 21,  
11 2010, at 10am. Within 14 days counsel shall furnish suggestions for items to be included on  
12 the agenda for this conference.

13 **IT IS SO ORDERED.**

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16 Dated: April 29, 2010



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE